

REMARKS

This Amendment is in response to the Office Action of November 28, 2006 in which claims 1, 2, 5, 6, 12-14, 17, 18 and 20-29 were rejected and claims 3, 4, 7-11, 15, 16, and 19-24 were objected to.

Regarding the abstract, the reference to Figure 3 has been removed. Withdrawal of the objection is requested.

Regarding the statutory subject matter rejection of claims 28 and 29, these claims have been amended to recite a computer readable medium having stored thereon a computer program executable in a receiver device (claim 28) or a sender device (claim 29). Withdrawal of the statutory subject matter rejection is requested.

Regarding the novelty rejection of claims 1, 2, 5, 6, 12-14, 17, 18, 25-28 and 29, the *Maxemchuk et al* reference (US 6, 782,490), this reference has been studied carefully against claim 1 and is believed that the amendment to claim 1 as well as to the other independent claims distinguishes over the *Maxemchuk et al* reference.

In particular, as pointed out by the Examiner, the first step of claim 1 can be read onto the transmitting of data from the multicast source 102 of Fig. 1 of *Maxemchuk et al* to a plurality of multicast receivers 124A, 124A prime and 124A prime prime.

While it is true that *Maxemchuk et al* also teaches that each repair server includes a missing packet detector 144A and requests a detected missing packet through retransmission, it is not the claimed receiver itself that drives the repair. Rather, it is the intermediary repair server 120A that does this. Moreover, it does so in a unicast fashion. See the request on the line 150A in Fig. 1B.

Therefore, claim 1 has been amended to make it clear that both the sender driven and receiver driven repair comprise sending a repair request from the receiver to the sender, that the transmitting of data from the sender to the at least one receiver is in a one-to-many fashion, and that messaging concerning repair is distributed over a period of time to avoid congestion.

It is believed that this amendment will be acceptable to the Examiner because the amendment constitutes a slight generalization of the idea presented in claims 7 and 8 which the Examiner considers to be allowable.

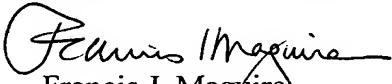
Withdrawal of the novelty rejection of claims 1 and 25-29 is requested.

Regarding the new claims 30 and 39, they contain similar limitations and should also avoid the novelty rejection based on *Maxemchuk et al.*

Regarding the objected to claims, it is believed that the above amendment to the independent claims makes them allowable over *Maxemchuk et al* and the Examiner is requested to allow all of the claims, as amended.

The objections and rejections of the Office Action of November 28, 2006, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-47 to issue is solicited.

Respectfully submitted,

  
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